

## RHS, RBS, RUS, FSA, USDA

## Pt. 1942

under Public Law 103-354) as mortgagee or secured party.

[43 FR 55883, Nov. 29, 1978, as amended at 47 FR 33486, Aug. 3, 1982; 53 FR 35691, Sept. 14, 1988; 58 FR 26680, May 5, 1993; 62 FR 9355, Mar. 3, 1997; 62 FR 28618, May 27, 1997]

### §§ 1941.89–1941.91 [Reserved]

#### § 1941.92 Check delivery.

The County Supervisor will receive and deliver loan checks. On receipt of a loan check, and after arrangements have been completed for loan closing, the applicant will be promptly notified on Form FmHA or its successor agency under Public Law 103-354 440-8, "Notice of Check Delivery." Loan funds will be disbursed in accordance with subpart A of part 1902 of this chapter.

[43 FR 55883, Nov. 29, 1978, as amended at 58 FR 26681, May 5, 1993]

### § 1941.93 [Reserved]

#### § 1941.94 Supervised bank accounts.

If a supervised bank account is required, loan funds will be deposited following loan closing. Supervised bank accounts will be established in accordance with subpart A of part 1902 of this chapter.

[53 FR 35692, Sept. 14, 1988]

### § 1941.95 [Reserved]

#### § 1941.96 Changes in use of loan funds.

(a) *Approval of changes.* County Supervisors, or their delegates, are authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The change is consistent with authorities, policies and limitations for making loans, and

(2) The change will not adversely affect either the workings of an on-going operation or the Government's interest.

(b) *Recording changes.* When changes are made in the use of loan funds, the installments on Form FmHA or its successor agency under Public Law 103-354 1940-17, "Promissory Note," will not be revised. When funds loaned for the purchase of capital goods are to be used for annual recurring production expenses, the funds will be repaid in accordance with the terms for such uses

in subpart A of this part. Appropriate changes with respect to the repayments will be made in table K of Form FmHA or its successor agency under Public Law 103-354 431-2, "Farm and Home Plan," also on Form FmHA or its successor agency under Public Law 103-354 1962-1, "Agreement for the Use of Proceeds/Release of Chattel Security," and initialed by the borrower. Appropriate notations will be made in the "Supervisory and Servicing Actions" section of the Management System Card.

[43 FR 55883, Nov. 29, 1978, as amended at 45 FR 16166, Mar. 13, 1980; 53 FR 35692, Sept. 14, 1988; 54 FR 47959, Nov. 20, 1989]

## PART 1942—ASSOCIATIONS

### Subpart A—Community Facility Loans

Sec.

- 1942.1 General.
- 1942.2 Processing applications.
- 1942.3 Preparation of appraisal reports.
- 1942.4 Borrower contracts.
- 1942.5 Application review and approval.
- 1942.6 Preparation for loan closing.
- 1942.7 Loan closing.
- 1942.8 Actions subsequent to loan closing.
- 1942.9 Planning, bidding, contracting, and constructing.
- 1942.10–1942.11 [Reserved]
- 1942.12 Loan cancellation.
- 1942.13 Loan servicing.
- 1942.14 Subsequent loans.
- 1942.15 Delegation and redelegation of authority.
- 1942.16 State supplements and guides.
- 1942.17 Community facilities.
- 1942.18 Community facilities—Planning, bidding, contracting, constructing.
- 1942.19 Information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants.
- 1942.20 Community Facility Guides.
- 1942.21 Statewide nonmetropolitan median household income.
- 1942.22–1942.49 [Reserved]
- 1942.50 OMB control number.

### Subpart B [Reserved]

### Subpart C—Subpart C—Fire and Rescue and Other Small Community Facilities Projects

- 1942.101 General.
- 1942.102 Nondiscrimination.
- 1942.103 Definitions.
- 1942.104 Application processing.
- 1942.105 Environmental review.

## § 1942.1

- 1942.106 Intergovernmental review.
- 1942.107 Priorities.
- 1942.108 Application docket preparation and review.
- 1942.109–1942.110 [Reserved]
- 1942.111 Applicant eligibility.
- 1942.112 Eligible loan purposes.
- 1942.113 Rates and terms.
- 1942.114 Security.
- 1942.115 Reasonable project costs.
- 1942.116 Economic feasibility requirements.
- 1942.117 General requirements.
- 1942.118 Other Federal, State, and local requirements.
- 1942.119 Professional services and borrower contracts.
- 1942.120–1942.121 [Reserved]
- 1942.122 Actions prior to loan closing and start of construction.
- 1942.123 Loan closing.
- 1942.124–1942.125 [Reserved]
- 1942.126 Planning, bidding, contracting, constructing, procuring.
- 1942.127 Project monitoring and fund delivery.
- 1942.128 Borrower accounting methods, management reports and audits.
- 1942.129 Borrower supervision and servicing.
- 1942.130–1942.131 [Reserved]
- 1942.132 Subsequent loans.
- 1942.133 Delegation and redelegation of authority.
- 1942.134 State supplements and guides.
- 1942.135–1942.149 [Reserved]
- 1942.150 OMB control number.

### Subparts D–F [Reserved]

### Subpart G—Rural Business Enterprise Grants and Television Demonstration Grants

- 1942.301 Purpose.
- 1942.302 Policy.
- 1942.303 Authorities, delegation, and redelegation.
- 1942.304 Definitions.
- 1942.305 Eligibility and priority.
- 1942.306 Purposes of grants.
- 1942.307 Limitations on use of grant funds.
- 1942.308 Regional Commission grants.
- 1942.309 [Reserved]
- 1942.310 Other considerations.
- 1942.311 Application processing.
- 1942.312 [Reserved]
- 1942.313 Plan to provide financial assistance to third parties.
- 1942.314 Grants to provide financial assistance to third parties, television demonstration projects, and technical assistance programs.
- 1942.315 Docket preparation and Letter of Conditions.
- 1942.316 Grant approval, fund obligation and third party financial assistance.
- 1942.317–1942.320 [Reserved]
- 1942.321 Subsequent grants.

## 7 CFR Ch. XVIII (1–1–05 Edition)

- 1942.322–1942.347 [Reserved]
- 1942.348 Exception authority.
- 1942.349 Forms, guides, and attachments.
- 1942.350 OMB control number.

GUIDE 1 TO SUBPART G—PROJECT MANAGEMENT AGREEMENT BETWEEN THE REGIONAL COMMISSION AND THE FARMERS HOME ADMINISTRATION OR ITS SUCCESSOR AGENCY UNDER PUBLIC LAW 103–354, DEPARTMENT OF AGRICULTURE  
GUIDE 2 TO SUBPART G—RESOLUTION

### Subpart H [Reserved]

AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 1989.

### Subpart A—Community Facility Loans

SOURCE: 50 FR 7296, Feb. 22, 1985, unless otherwise noted.

#### § 1942.1 General.

(a) This subpart outlines the policies and procedures for making and processing insured loans for Community Facilities except fire and rescue and other small essential community facility loans and water and waste disposal facilities. This subpart applies to Community Facilities loans for fire and rescue and other small essential community facility loans only as specifically provided for in subpart C of this part. Water and waste loans are provided for in part 1780 of this title. The Agency shall cooperate fully with State and local agencies in making loans to assure maximum support to the State strategy for rural development. State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use under this subpart are also for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. Federal statutes provide for extending Agency financial programs without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap. The participants must possess the capacity to enter into legal contracts under State

and local statutes. Any processing or servicing activity conducted pursuant to this subpart involving authorized assistance to Agency employees, members of their families, known close relatives, or business or close personal associates, is subject to the provisions of subpart D of part 1900 of this chapter. Applicants for this assistance are required to identify any known relationship or association with an Agency employee.

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this subpart that affect applicant eligibility, the adequacy of FmHA or its successor agency under Public Law 103-354's security or the adequacy of service to users of the facility and all other requirements of this subpart must be met.

(c) Loans sold without insurance by FmHA or its successor agency under Public Law 103-354 to the private sector will be serviced in the private sector and will not be serviced under this subpart. The provisions of this subpart are not applicable to such loans. Future changes to this subpart will not be made applicable to such loans.

(d) The District Office will normally be the entry point for preapplications and serve as a local point. Applications will be filed with the District Office and loans will be processed to the maximum extent possible by the District Office staff. The applicant's governing body should designate one person to coordinate the activities of its engineer, architect, attorney, and any other professional employees and to act as contact person during loan processing. FmHA or its successor agency under Public Law 103-354 personnel should make every effort to involve the applicant's contact person when meeting with the applicant's professional consultants and/or agents. The State Office staff will monitor community programs loanmaking and servicing, and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner

consistent with FmHA or its successor agency under Public Law 103-354 regulations.

[50 FR 7296, Feb. 22, 1985, as amended at 52 FR 38908, Oct. 20, 1987; 52 FR 43725, Nov. 16, 1987; 52 FR 47097, Dec. 11, 1987; 57 FR 21193, May 19, 1992; 58 FR 226, Jan. 5, 1993; 62 FR 33510, June 19, 1997; 68 FR 65830, Nov. 24, 2003]

#### § 1942.2 Processing applications.

(a) *Preapplications.* (1) The District Office may handle initial inquiries and provide basic information about the program. They are to provide the preapplication, SF 424.2, "Application for Federal Assistance (For Construction)." The District Director will assist applicants as needed in completing SF 424.2, and in filing written notice of intent and priority recommendation with the appropriate clearinghouse. The District Director will inform the applicant that it may be necessary to apply for credit from commercial sources. It will be explained that if credit for the project is available from commercial sources at reasonable rates and terms the applicant is not eligible for FmHA or its successor agency under Public Law 103-354 financing. The District Director will meet with the applicant, whenever appropriate to discuss FmHA or its successor agency under Public Law 103-354 preapplication processing. Guidance and assistance will be provided by the State Director, as needed, for orderly application processing. The District Director will determine that the preapplication is properly completed and fully reviewed. The District Director will then forward to the State Director:

(i) Eligibility determination and recommendations.

(ii) One copy of SF 424.2.

(iii) State intergovernmental review comments and recommendations (clearinghouse comments).

(iv) Priority recommendations.

(v) Supporting documentation necessary to make an eligibility determination such as financial statements, audits, or copies of organizational documents or existing debt instruments. The District Director will advise applicants on what documents are necessary. Applicants should not be required to expend significant amounts